

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION


JOHN K. PERRY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 4:14-cv-00279-AGF
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the motion of Petitioner John K. Perry filed under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. Upon review of the parties' filings, the Court believes that material issues of fact that cannot be resolved on the record have been raised with respect to Petitioner's claims that defense counsel rendered ineffective assistance of counsel during plea offer negotiations by (1) failing effectively to convey a plea offer to Petitioner, (2) failing to advise Petitioner of the possible sentence he could face if convicted at trial, and (3) failing to timely inform Petitioner that two of the government's witnesses had proffer agreements with the government.

Accordingly,

**IT IS HEREBY ORDERED** that the Court shall hold an evidentiary hearing on the claims set forth above on **Friday, December 9, 2016, at 1:00 p.m.**, in Courtroom 12 South.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of November. 2016.